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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE February 4, 2005 EFFECTIVE DATE February 19, 2005	CONTACT/PHONE Inge Lundegaard 805-781-1378	APPLICANT Cutler, Doug & Stallings, Rochelle	FILE NO. DRC2004-00001
SUBJECT Request by Doug Cutler and Rochelle Stallings for a Minor Use Permit to allow construction of a 3,430 square foot single family residence with attached 1,319 square foot garage and 600 square foot guesthouse. The project will result in the disturbance of approximately 24,000 square feet of a 1.25 acre parcel. The proposed project is within the Residential Suburban land use category and is located at 755 Via Laguna Vista, San Luis Obispo. The site is in the San Luis Obispo planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00001 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator finds that the previously certified Final Environmental Impact Report (FEIR) that was prepared for Tract 1875 is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION SRA, GS	ASSESSOR PARCEL NUMBER 067-220-004	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: 22.108.030 Combining Designations - Sensitive Resource Area <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Site Design Standards of Chapter 22.10, except as superceded by environmental mitigation established with the approval of Tract 1875. <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on February 19, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: North: Open Space/Open Space East: Residential Suburban/Residences South: Residential Suburban/Residences West: Residential Suburban/Residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Ag Commissioner, CDF, City of San Luis	
TOPOGRAPHY: Gently to moderately sloping	VEGETATION: Grasses, Shrubs
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: December 8, 2004

DISCUSSION

PROJECT HISTORY

The subject property is located in Tract 1875, Lot 4. This subdivision had conditions of approval for future development including Minor Use Permit approval for each residence.

Other conditions of the subdivision with regard to Minor Use Permit approval include submittal of a grading plan, landscaping plan and a height restriction of 22 feet. As proposed and conditioned, the residence complies with all of the conditions of Tract 1875.

PLANNING AREA STANDARDS:

The relevant planning area standards apply to the Sensitive Resource Area (SRA) combining designation. The relevant planning area standards include; siting the development in the least visible portion of the site, minimizing grading, minimize building height and mass by using low-profile design where applicable, minimizing building visibility by using colors to harmonize with the surrounding natural environment, and provide landscaping to screen and buffer development with native or drought-resistant plants. As proposed and conditioned, the residence conforms to planning area standards.

CITY COMMENTS: "Provide native/drought tolerant landscape plan to partially screen & stabilize cut/fill slopes. Building colors to be earth tones-muted. Screen outdoor lighting."

AGENCY REVIEW:

Public Works-	Supports with drainage plan condition
Ag Commissioner-	No response
CDF -	Safety Plan

LEGAL LOT STATUS:

The subject lot was legally created by a recorded Tract Map No 1875, at a time when that was a legal method of creating lots.

Staff report prepared by Inge Lundegaard and reviewed by Chuck Stevenson, Supervising Planner

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator finds that the previously certified Final Environmental Impact Report (FEIR) is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the single family residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the single family residence is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Via Laguna Vista a local road constructed to a level able to handle any additional traffic associated with the project.

Sensitive Resource Area

- G. The development will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because the primary reason for the Sensitive Resource Area designation for this site are visual and conditions were added to the original subdivision which limited the height of proposed structures as well as the requirement for approval of Minor Use Permits to review colors and materials of proposed structures.
- H. Natural features and topography have been considered in the design and siting of all proposed physical improvements because they are reducing grading somewhat by use of retaining walls.

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- I. The proposed clearing of topsoil, trees, is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because as stated previously, visual resources are the primary concern on the project site. Visual resources have been addressed to the greatest extent feasible considering the size of the proposed residence by limiting the height, requiring darker natural colors, reducing the vertical lines with wraparound porches and angling the proposed residence
- J. The soil and subsoil conditions are suitable for any proposed excavation and site preparation and drainage improvements have been designed to prevent soil erosion, and sedimentation of streams through undue surface runoff, because a drainage and sedimentation and erosion control plan are required as conditions of approval prior to issuance of construction permits to ensure negative impacts of the proposed development are addressed.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes
 - a. construction of a 3,430 square foot single family residence with attached 1,319 square foot garage and 600 square foot guesthouse.
 - b. maximum allowable measured height is 22 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

1. **At the time of application for construction permits** plans submitted shall show all development consistent with the floor plan, architectural elevations and landscape plan.
2. **At the time of application for construction permits**, submit a revised site plan/landscape plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Screen and buffer development from public view with native and/or drought resistant plants to obtain at least 50 percent view screening of the structure at plant maturity. Include mitigation planting or seeding for graded cut and fill slopes and low water-use irrigation system.
 - b. Identify driveway and retaining wall materials and colors. The driveway and retaining walls shall be colored or created with materials that are "muted earthtone colors", which are colors with a chroma and value of 6 or less.
3. **At the time of application for construction permits**, submit a revised architectural elevations to detail exterior finish materials, colors, and height above finish grade on all sides of proposed buildings to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Maximum measured height of 22 feet from average natural grade
 - b. Building color including fascia, wood trim and doors, shall be colored or created with materials that are "muted earthtone colors", which are colors with a chroma and value of 6 or less.
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

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Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated July 12, 2004.

Services (for community water and sewer)

5. **At the time of application for construction permits**, the applicant shall provide a letter from the Irish Hills Mutual Water Company stating they are willing and able to service the property.
6. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

5. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Drainage and Erosion Control

6. **Prior to issuance of construction permits**, the applicant shall submit a drainage and erosion plan for review and approval to the Public Works Department.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

7. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
8. **Prior to roof nailing inspection**, the applicant shall provide a certificate from a registered land surveyor or licensed civil engineer that the structure does not exceed the approved building height.
9. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
10. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

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On-going conditions of approval (valid for the life of the project)

12. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



VICINITY MAP

- Project _____
Cutler Minor Use Permit
DRC 2004-00001

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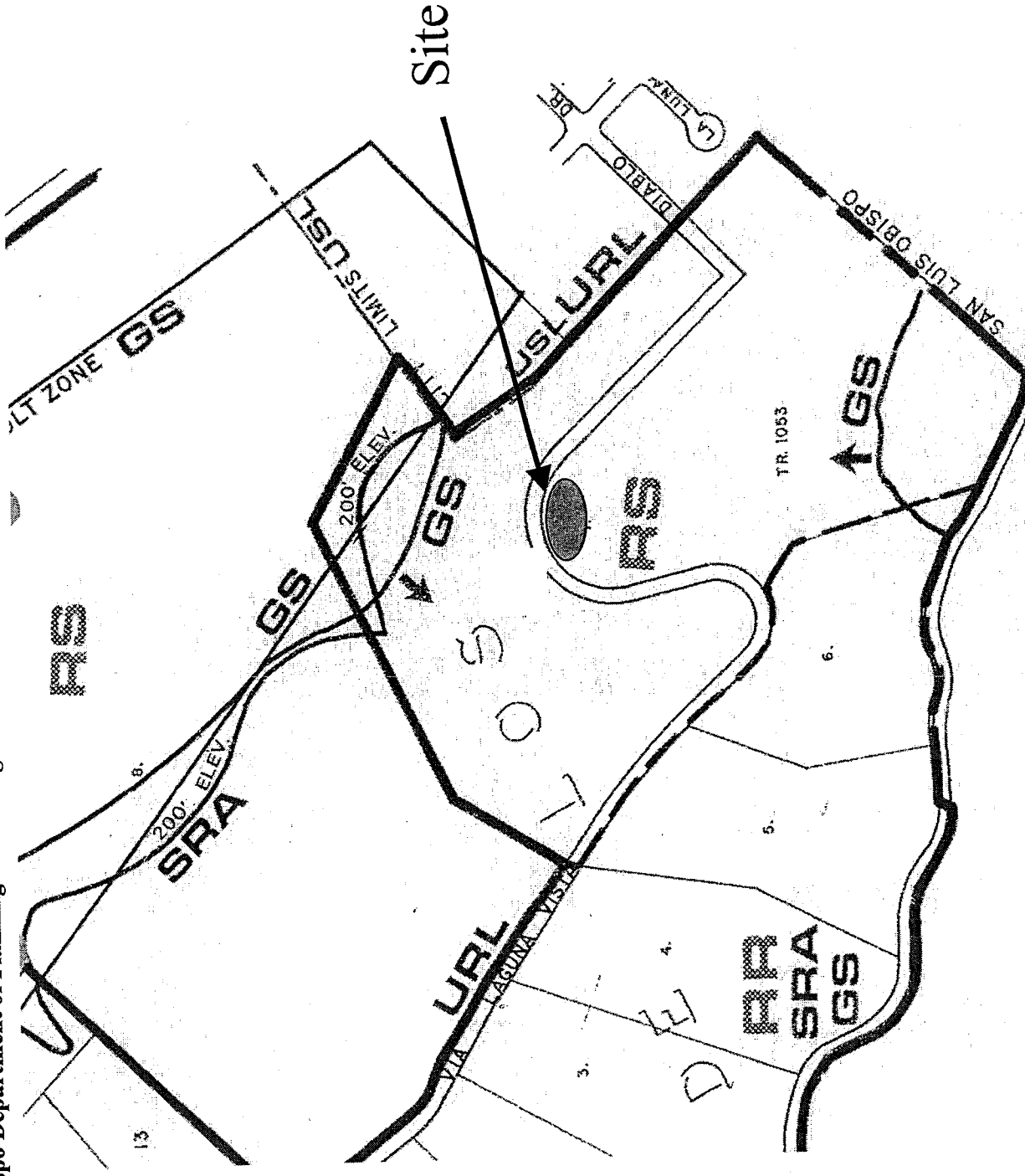


Exhibit
Land Use Category Map

Project
Cutler Minor Use Permit
DRC 2004-00001

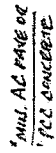
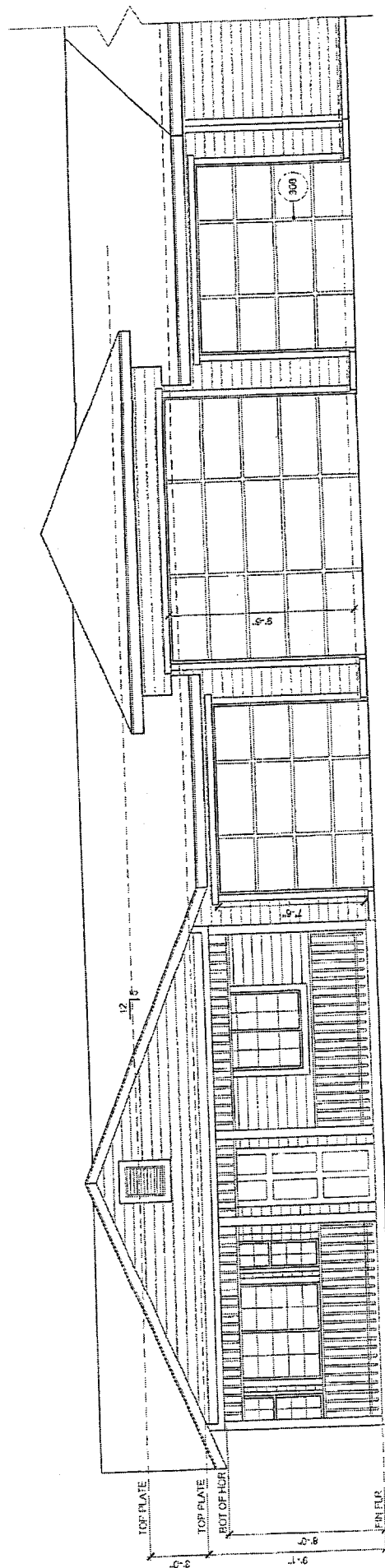
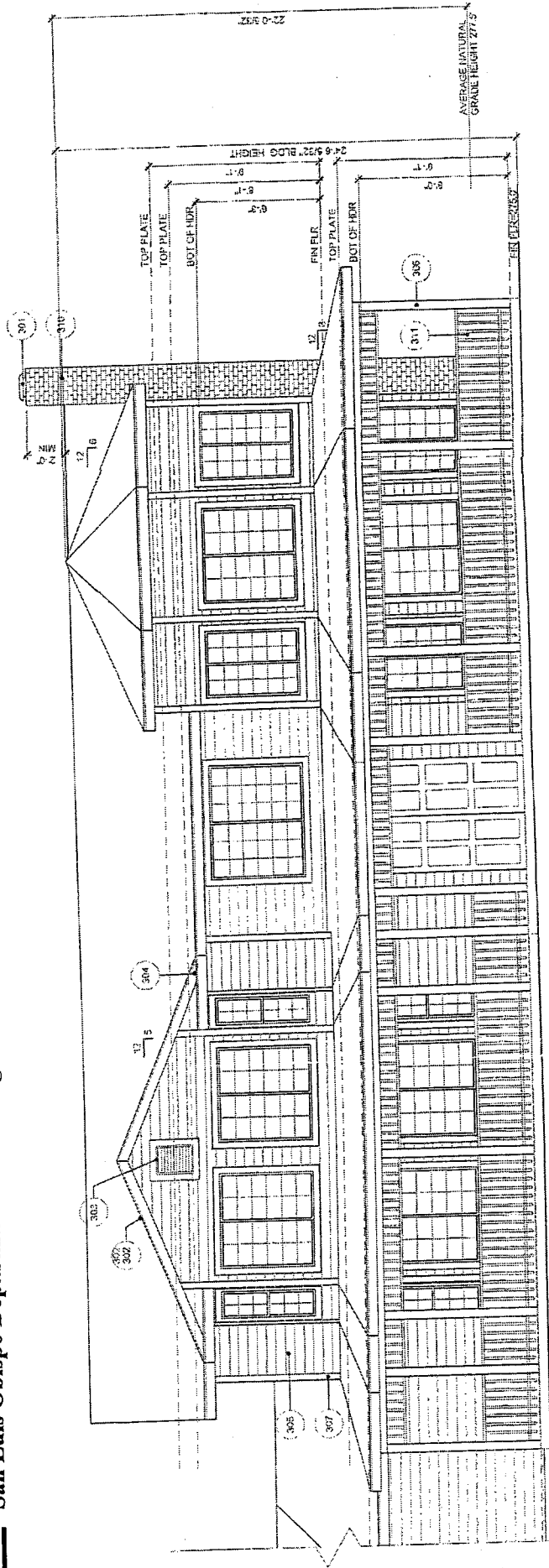


Exhibit _____ Site/Grading Plan

Project _____
Cutler Minor Use Permit
DRC 2004-00001



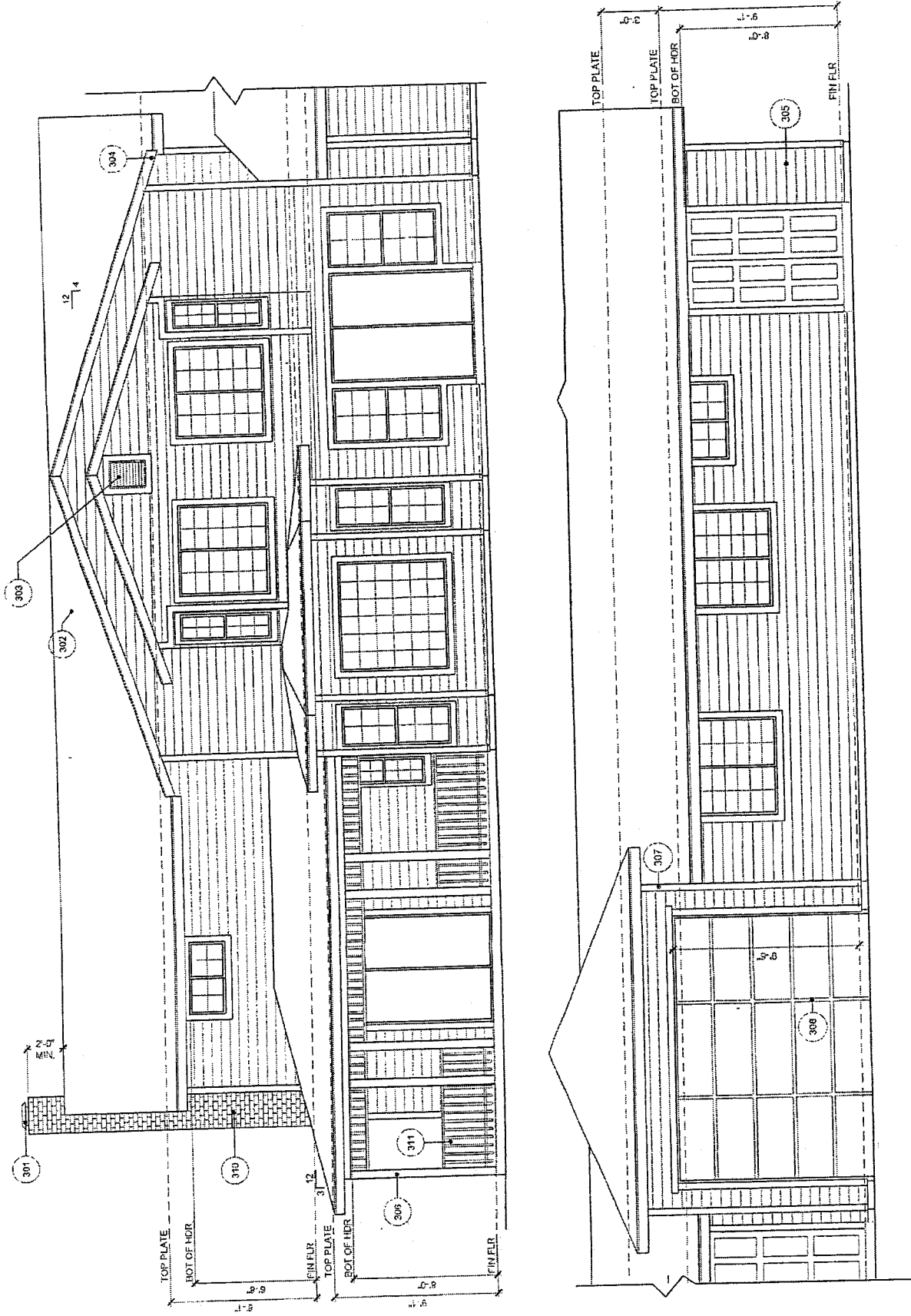
Exhibit

North Elevation



Project
Cutler Minor Use Permit
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Exhibit

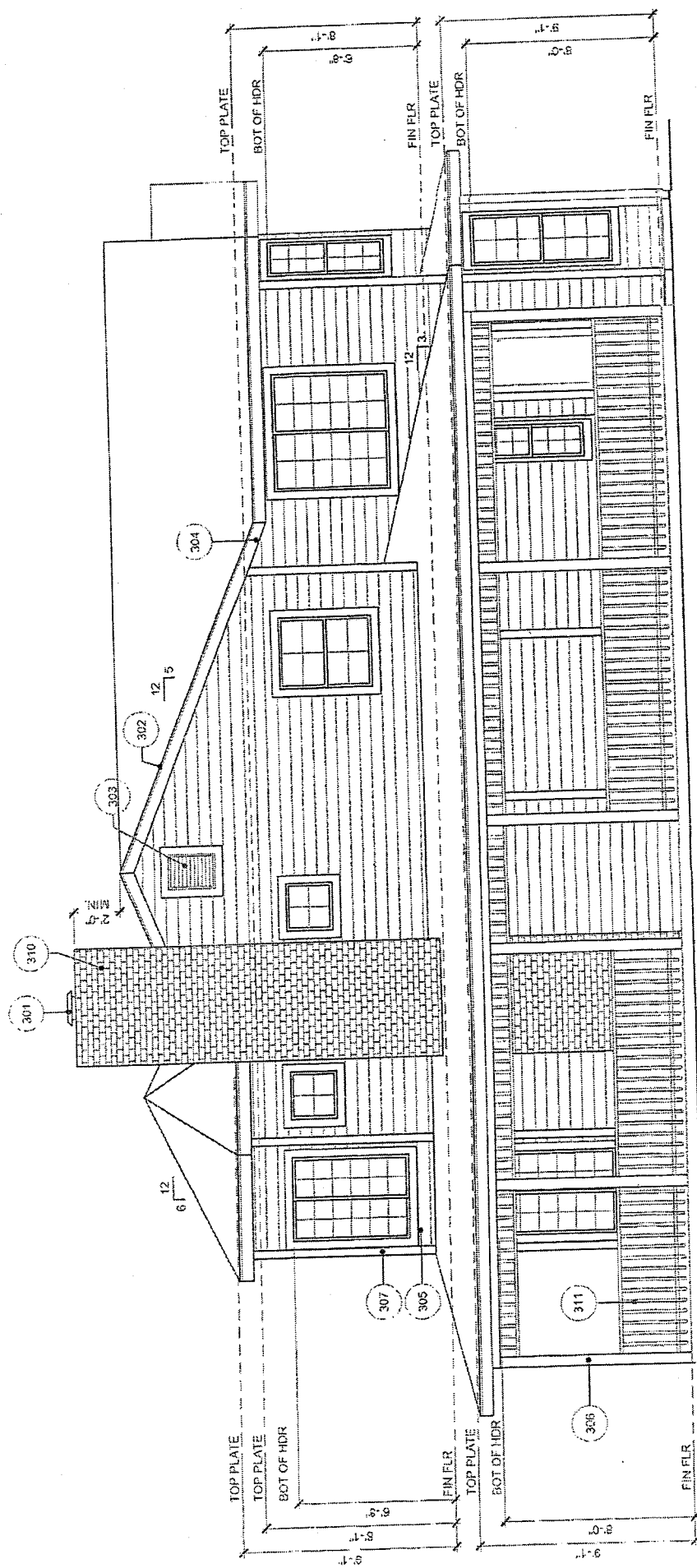
South Elevation



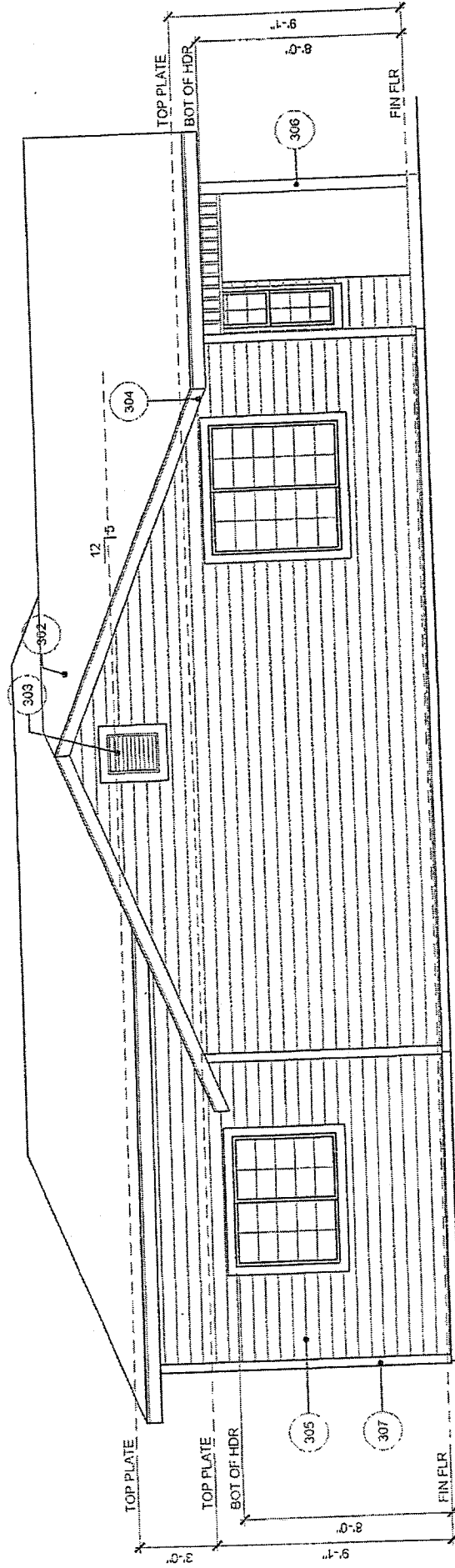
Project

Cutler Minor Use Permit

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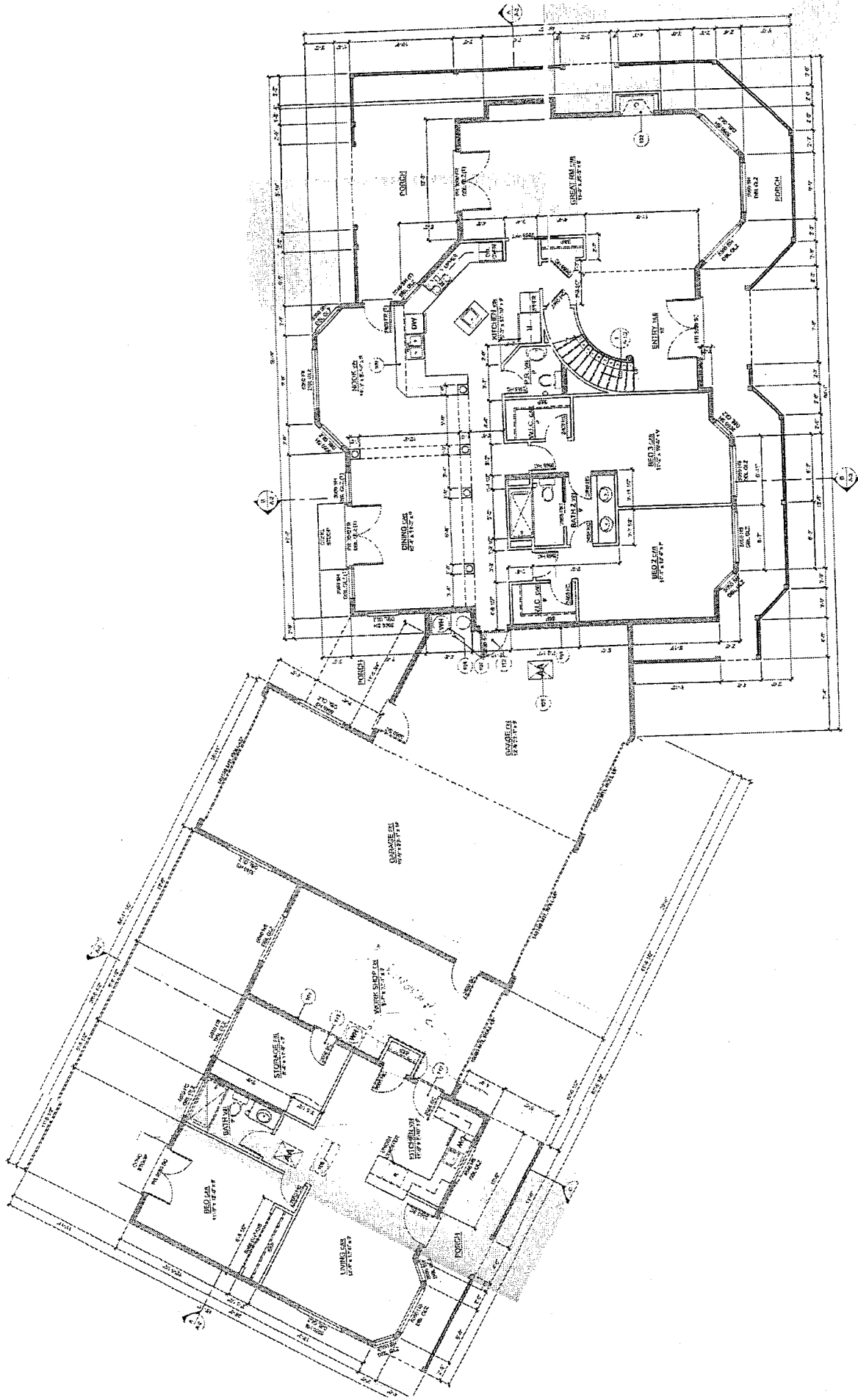


Exhibit

East Elevation



Project
Cutler Minor Use Permit
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Exhibit

First Floor Plan

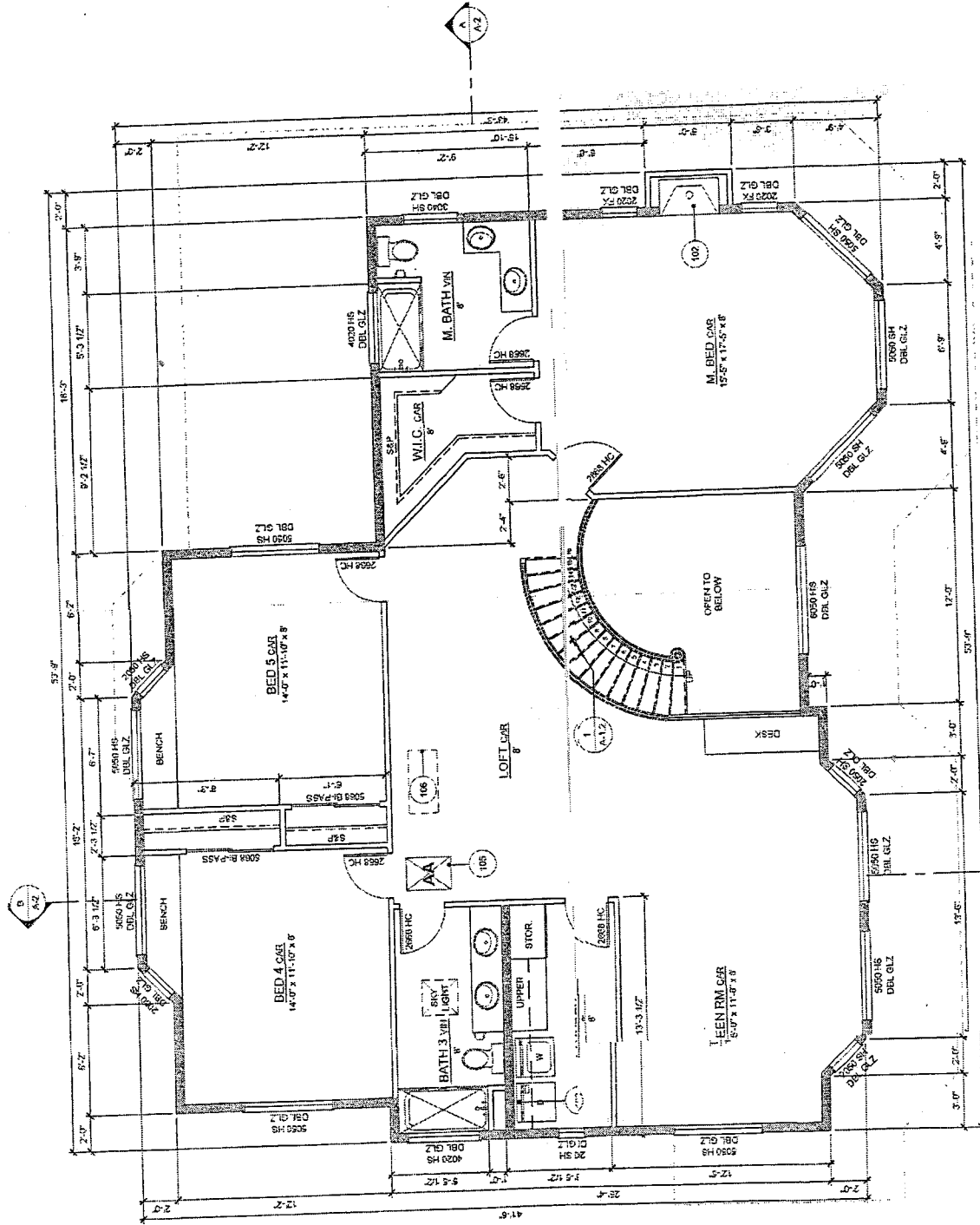


Project

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Exhibit

Second Floor Plan



Project
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